

REMARKS/ARGUMENTS

Claims 1-23 are currently pending. Claims 1, 3, 10, 11 and 17 have been examined, and claims 2, 4-9, 12-16, and 18-23 stand withdrawn. Claims 1 and 3 have been amended, as reflected in the above claim listing. Claim 24 has been added. Applicants submit that the present amendments are in no way a disclaimer of the full scope of the invention, and Applicants reserve the right to pursue the full scope of the invention in divisional applications.

As an initial matter, Applicants would like to thank the Examiner for withdrawing (1) all objections, (2) the rejection of Claims 1 and 3 under 35 U.S.C. § 101, and (3) the rejection of Claims 1, 3, 10, 11 and 17 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

Applicants have amended Claim 1 to recite, “An isolated *Group B Streptococcus* protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 72, or a derivative or variant of said protein or polypeptide comprising a sequence having at least 50% identity to SEQ ID NO. 72, wherein said derivative or variant is able to protect against Group B Streptococcus challenge.” Written support for this amendment may be found in the specification as a whole, for example page 4, line 25 to page 6, line 15.

Applicants have amended Claim 3 by replacing the 50% percent identity recited in the original claim with “70% identity.” Accordingly, the claim is now directed to derivatives or variants of the proteins or polypeptides of Claim 1 which show at least *70% identity* to those proteins or polypeptides. Written support for this amendment may be found in the specification as a whole, for example page 4, line 27 to page 6, line 15.

Applicants have added Claim 24, which recites derivatives or variants of the proteins or polypeptides of Claim 1 which show at least *90% identity* to those proteins or polypeptides. Written support for this amendment may be found in the specification as a whole, for example page 4, line 27 to page 6, line 15.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

The rejections of Claims 1, 3, 10, 11 and 17 as being indefinite have been maintained. According to the Examiner, “In Claim 3 it is not clear what 50% identity to a fragment or derivative means, that is, how long is the fragment or derivative such that one skilled in the art

can now know when this limitation is met?” The Examiner suggests amending the claims to recite that the percent identity is with reference to SEQ ID NO: 72.

Applicants have taken the Examiner’s suggestion and amended Claim 1, from which the remaining claims depend, to recite, “An isolated *Group B Streptococcus* protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 72, or a derivative or variant of said protein or polypeptide comprising a sequence *having at least 50% identity to SEQ ID NO. 72*, wherein said derivative or variant is able to protect against Group B *Streptococcus* challenge.” Written support for this amendment may be found in the specification as a whole, for example page 6 line 22. Applicants have thus clarified that the percent identity is with reference to SEQ ID NO: 72. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

The rejections of Claims 3, 10, 11 and 17 as failing to comply with the written description requirement have been maintained. According to the Examiner, “The specification does not describe derivatives or variants of ID-38 (SEQ ID NO: 72) having any activity. Therefore, derivatives or variants of ID-38 having activity are not described in the specification.” The examiner recommends adding “a function to the claims, such as -- wherein said derivative or variant is able to protect against Group B *Streptococcus* challenge--, for example.”

Again, in order to advance prosecution Applicants have taken the Examiner’s suggestion and amended Claim 1, from which the remaining claims depend, to recite, “An isolated *Group B Streptococcus* protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 72, or a derivative or variant of said protein or polypeptide comprising a sequence having at least 50% identity to SEQ ID NO. 72, *wherein said derivative or variant is able to protect against Group B Streptococcus challenge.*” In view of the amendment, Applicants submit that the grounds for the rejection have been overcome and respectfully request that the Examiner withdraw the rejection.

CONCLUSION


Applicants respectfully request entry of the above amendments and submit that all claim amendments are adequately supported by the specification and enable one of ordinary skill in the art to make and use the invention commensurate in scope with the claims.

If after this amendment there are issues remaining which discussion could advance prosecution, Applicants respectfully request that the Examiner call the undersigned attorney at the phone number listed.

Respectfully submitted,

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